

Education and Adoption Bill

AMENDMENTS TO BE MOVED IN COMMITTEE

Clause 1

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Page 1, line 6, leave out “coasting schools” and insert “schools in which pupils do not fulfil their potential”

Page 1, leave out lines 8 to 16 and insert –

“60B Schools in which pupils do not fulfil their potential

- (1) A school in which pupils do not fulfil their potential means a school –
 - (a) where the performance of pupils in aggregate on leaving is not as high as might be expected from their performance on entry to the school, and
 - (b) which does not provide a broad and balanced curriculum.
- (2) A maintained school or an Academy school is by virtue of this section eligible for intervention if the governing body or proprietor of the school –
 - (a) has been notified that Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, in consultation with the local authority, considers the school to be one where pupils in aggregate do not fulfil their potential, and
 - (b) has not subsequently been notified that the Chief Inspector no longer considers the school to be one where pupils do not fulfil their potential.
- (3) In determining whether a school should be notified, the Chief Inspector shall consider –
 - (a) the availability of qualified teachers in the area of the local authority,
 - (b) the number of pupils on roll and the reliability of drawing conclusions about aggregated pupil performance when the number of pupils is small,
 - (c) the age range of pupils in attendance at the school,

Clause 1 – continued

- (d) the handling of data about pupils with special educational needs or a disability,
 - (e) information about the socio-economic characteristics of pupils on roll and the area in which the school is situated, and
 - (f) the gender balance in the school,
- in consultation with the local authority and, in the case of an Academy school, the person with whom the Secretary of State has made Academy Arrangements.
- (4) If an Academy school is found to be eligible for intervention under this section, the school is to be treated as a maintained school for the purposes of sections 63 to 69, and the proprietor of the Academy is to be treated as the governing body of the school.
 - (5) An intervention under sections 63 to 69 shall take precedence over any provision of the Academy arrangements made between the Secretary of State and the proprietor.
 - (6) The Secretary of State must not make an Academy order under section 4 (Academy orders) of the Academies Act 2010 for a maintained school which has been notified that it is a school where pupils do not fulfil their potential as defined under this section.”

Clause 8

LORD STOREY

Page 6, line 16, leave out from “consult” to end of line 17 and insert –

- “(a) parents and guardians of registered children,
- (b) teaching and support staff of the school,
- (c) the local authority,
- (d) the governing body of the school, and
- (e) any other such persons as they deem to be appropriate.”

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Page 6, leave out lines 18 and 19 and insert –

- “(2) If an Academy order under section 4(A1) or (1)(b) has effect in respect of the school, the Secretary of State must convene a meeting of parents of registered pupils to explain the implications of the school being subject to such an order and take account of the views of parents in respect of the future governance of the school.”

Page 6, line 19, leave out “4(A1) or (1)(b)” and insert “4(1)(b)”

After Clause 8

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Insert the following new Clause –

“Schools causing concern: involvement of parents

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) After section 59 insert –

“59A Duties of Secretary of State, local authorities, and proprietors to parents when a school is eligible for intervention

When a school is eligible for intervention, the Secretary of State, the local authority, school governing body and proprietor must exercise their functions with a view to involving parents of registered pupils in decisions relating to the school under this Part and the Academies Act 2010.”

- (3) In section 59 (meaning of “maintained school” and “eligible for intervention”) –
 - (a) in subsection (1) after (c) insert –

“(d) an Academy school”
 - (b) after subsection (2) insert –

“(3) In this Part, references to the governing body of an Academy school are to be read as references to the proprietor of an Academy school.

(4) If an Academy school is found to be eligible for intervention under this Part, the school is to be treated as a maintained school for the purposes of sections 63 to 69, and the proprietor of the Academy is to be treated as the governing body of the school.

(5) An intervention under sections 63 to 69 shall take precedence over any provision of the Academy arrangements made between the Secretary of State and the proprietor.”
- (4) In section 60 (performance standards and safety warning notice) in subsection (6) at end insert –

“(e) the parents of registered pupils”
- (5) In section 60A (teachers’ pay and conditions warning notice) in subsection (6) at end insert –

“(d) the parents of registered pupils””

Clause 9

LORD STOREY

Page 6, line 39, at end insert –

- “(d) parents of children registered at the school, and
- (e) the teaching and support staff at the school.”

Clause 9 – continued

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Page 7, line 15, at end insert –

“5B Consultation with the school community about identity of Academy sponsor

- (1) This section applies where an Academy order under section 4(A1) or (1)(b) has effect in respect of a maintained school.
- (2) Before entering into Academy arrangements in relation to the school the Secretary of State must consult the following about the identity of the person with whom the arrangements are to be entered into –
 - (a) the school’s governing body,
 - (b) the local authority,
 - (c) the Chief Inspector of Education, Children’s Services and Schools,
 - (d) parents of registered pupils at the school,
 - (e) the teaching and other staff of the school, and
 - (f) any other such persons as he thinks appropriate.
- (3) As part of the consultation, the Secretary of State must publish all correspondence held by him relating to his choice of the proposed Academy sponsor.”

The above-named Lords give notice of their intention to oppose the Question that Clause 9 stand part of the Bill.

Clause 10

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Page 7, line 20, leave out “4(A1) or (1)(b)” and insert “4(1)(b)”

Clause 11

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Page 7, line 33, leave out “4(A1) or (1)(b)” and insert “4(1)(b)”

Clause 12

LORD WATSON OF INVERGOWRIE
BARONESS MASSEY OF DARWEN

Page 8, line 3, leave out “4(A1) or (1)(b)” and insert “4(1)(b)”

Page 8, line 5, leave out “4(A1) or (1)(b)” and insert “4(1)(b)”

After Clause 12

LORD STOREY

Insert the following new Clause –

“Inspection of Academies

Before section 9 of the Academies Act 2010 insert –

“8A Inspection of Academies

Before a coasting school is converted into an Academy by virtue of this Act, and of section 61 or 62 of EIA 2006 (schools requiring significant improvement or schools requiring special measures), the Chief Inspector of Education, Children’s Services and Skills must inspect and report on the person with whom it is anticipated the Secretary of State will enter into an Academy arrangement.””

Clause 13

LORD WATSON OF INVERGOWRIE

BARONESS MASSEY OF DARWEN

Page 8, line 35, at end insert –

- “(3A) The Secretary of State shall lay an annual report before Parliament on the use of the power to give directions under subsection (1), which shall include information on –
- (a) how often directions were given;
 - (b) the safeguards put in place to ensure that voluntary agencies were not adversely affected by actions of local authorities or agencies complying with directions given and an assessment of the impact of the actions and the effectiveness of the safeguards;
 - (c) the impact of the directions on models of care other than adoption for children in the areas covered by the directions; and
 - (d) the extent and adequacy of provisions that have been put in place to ensure that post-adoption support, including in respect of mental health, is available for the children and adoptive parents who have dealt with a local authority or agency carrying out the functions within subsection (3) on behalf of a local authority, following directions from the Secretary of State.”

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